

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1615

WOLF ET AL.

Examiner: SASAN, ARADHANA

APPLICATION NO: 10/528,687

FILED: MARCH 21, 2005

FOR: MODIFIED RELEASE FORMULATIONS OF  
OXCARBAZEPINE AND DERIVATIVES THEREOF

**MS: Amendment**

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This Reply is submitted in response to the Office Action mailed February 21, 2008.

**Remarks/Arguments** begin on page 2 of this paper.

## **REMARKS/ARGUMENTS**

Claims 1 to 13, 16 and 17 are presently pending in this patent application. Applicants reserve the right to pursue subject matter that remains after the prosecution of the present application in a future continuing patent application, for example, a division.

### **Discussion of the Restriction Requirement**

The Action requires applicants to select one of the following two groups of allegedly patentably distinct inventions for examination.

- I. Claims 1 to 13, drawn to an oral dosage form comprising oxcarbazepine; and
- II. Claims 16 and 17, drawn to a method of treatment of epilepsy and a method of reducing the variability of bioavailability of cyclosporin A for patients during oxcarbazepine therapy.

Applicants provisionally elect the claims of Group I. Because the elected Group I claims are directed to a product and the non-elected Group II claims are directed to a process of using such a product, applicants request that the claims of non-elected Group II be rejoined in accordance with MPEP § 821.04 if the claims of elected Group I are allowed.


### **Conclusion**

Applicants believe that the foregoing constitutes a complete and full response to the Action of record. If there are any issues that can be resolved by a telephone conference, the Examiner is invited to call the undersigned attorney.

The Commissioner is hereby authorized to charge any fees required to Deposit Account No. **19-0134** in the name of Novartis.

Respectfully submitted,

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